



Will Power! Tracing England Ancestry in its Rich Probate Records

Mark E. Gardner, Reference Consultant, AG®

Gardnerme@ldschurch.org

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Probate Records are valuable to those who are recipients of the estate which include, lawyers, government, families, neighbors, friends, taking care of the poor, religious institutions, schools, and also to Genealogists, Family Historians and those who work online. This class is to show what probate records are and where they can be located online from England and Wales and how to access these probate records.

What is the Value of Probate Records?

- Help determine a time and place of death.
- Name of family members
- Name relatives
- Name friends
- Occupation
- Name business associates
- Identify properties
- Help track transfer of property

History of Grants of Probate in England

- Pre-1858 Ecclesiastical (Church) Courts established
- Later Civil Courts 1858-present
- Records mostly after 1400

Post-1857 Probate Records

After 1857, most wills and administrations were recorded by the Principal Probate Registry and can be obtained through their office or online. There were two jurisdictions, the Principal Court which replaced the Prerogative Court of Canterbury and District Courts which replaced county and peculiar court jurisdiction. The registered probate records can be obtained by index and images 1858-present at www.gov.uk. Indexes can also be viewed at www.ancestry.com for the years 1858-1966, 1973-1995. The Family History Library has only the registered wills 1858-1925 on microfilm with indexes 1858-1957. All these documents and indexes can be obtained through the Principal Probate Registry by mail or in person.

There can be other places where probate records of English people can be obtained who served in the Military, Seafarers, Merchant Marines and East India Company. Those who owned property in more than one county or country may have probate records in the local courts or Principal Probate Registry.

Pre-1858 Probate records

An estate was probated by the Church of England in each county in England. There were over 300 ecclesiastical courts in England. A will was usually probated where the testator owned land. If the testator owned land in more than one jurisdiction, the will was probated in a higher court. You may have to search more than one court in looking for your ancestors probate record. The court with the highest jurisdiction was the Prerogative Court of Canterbury. If your ancestor lived overseas at the time of his or her death, the probate may have to be handled by the Prerogative Court of Canterbury.

Exceptions to the ecclesiastic jurisdictions were the peculiar courts. These courts consisted of “parishes situated in one archdeaconry or diocese but subject to the jurisdiction of another archdeacon or bishop, some other religious or lay authority or even a local lord of the manor.”

Handwriting or Paleography

- Probate records can be wonderful to read and in some places the handwriting can be difficult to read.
- Probate records can be partially written in Latin.
- There may be legal language.
- Probate records can follow a standard format and might be easier to understand if the format is known. Administrations quite often have a form that is filled in.
- Most wills have an original and registered copy. As a result, you may find handwriting better to read from one copy to the original. See both as more information might be found in one document compared to another.

Definitions of Probate Terms

- Testator/Testatrix: The person who made a will
- Intestate: A person who died without a will
- Executor/Executrix: The person named in a will by a testator who is authorized to administer the terms of the will.
- Codicil: An addition to a will made after the first will was written and signed.
- Administration also known as Admon: Short for Letters of Administration, a grant to the next-of-kin (or another) who applied to administer the property of an intestate
- Act Book: A day-by-day account of the official grants of probate proceedings
- Inventory: A list of a testator's personal and household goods, with their appraised value.
- Noncupative Will: A will made orally by the testator.
- Probate: The process of proving a will and also the evidence that a will has been accepted by the court and the executor has been granted permission to carry out the terms of the will.
- Will: A written statement in which a person regulates the disposal of property and rights after his/her death.
- Inventory: A list of personal and household goods left by the deceased together with their appraised value.

Websites for English Probate Records

1858-present www.gov.uk Year by year indexes and images for all probate records. This includes all Wales courts and Welsh people who left wills, administrations, or were soldiers.

1858-1966, 1973-1995 www.ancestry.com Index to all will proved through the Principal Probate Registry. Order original documents online at www.gov.uk or go to the Family History Library 1858-1925 for wills only. The probate records can be purchased through The Principal Registry of the Family Division at High Holborn, London in person or by mail.

1796-1903 www.findmypast.co.uk Indexes to the Death Duty Registers. This is an index to a high percentage of probate records that received a death duty or tax and these documents can give further genealogical information.

Pre-1858 probate records

The Highest jurisdiction for proving probate records for England Courts was the Prerogative Court of Canterbury 1383-1858. The indexes and images to the Wills are available on three websites.

- www.ancestry.com
- www.thegenealogist.co.uk
- www.thenationalarchives.gov.uk

The indexes to the administrations are available in house at The National Archives and at The Family History Library.

Each County in England pre-1858 should have an index to their probate records and some will have images. Try online through these websites or County Record Office or Family History Society name.

- www.findmypast.co.uk
- www.ancestry.com
- www.google.com
- www.genuki.org.uk
- Record Offices and Family History Societies

Great place for information on England Probate Records:

FamilySearch Wiki https://familysearch.org/wiki/en/England_Probate_Records

Reminder to always go to the original record. Probate records can have an original will and a registered copy.